

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	09/222,340	Confirmation No. 3304
Applicant	:	William F. Terrell	
Filed	:	12/28/1998	
TC/A.U.	:	2143	
Examiner	:	Joseph R. Maniwang	
Docket No.	:	082771.P279	
Customer No.	:	8791	

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicant submits, the following Reply Brief pursuant to 37 C.F.R. § 41.41 for consideration by the Board of Patent Appeals and Interferences, in response to the Examiner's Answer dated April 10, 2008. Please charge any additional fees or credit any overpayment to our deposit Account No.02-2666. A duplicate copy of the Fee Transmittal is enclosed for this purpose.

REMARKS

In the Examiner's Answer, the Examiner presented arguments in response to Applicant's arguments presented in the Appeal Brief. The following are Applicant's responses to the Examiner's arguments.

1. Issue 1: Filter rules.

In the Examiner's Answer, the Examiner contends that "the filter rules of Lakshman provide filter criteria used in the processing received packets, which reads on the claimed limitation as presented" (Examiner Answer, page 13, Issue 1, lines 13-15). Applicant respectfully disagrees for the following reasons.

First, Lakshman explicitly discloses that "[t]o perform packet filtering, the router 245 may be provided with a table or list of filter rules specifying that routing of packets sent from one or more of specified sources is denied or that specific action is to be taken for that packet having a specified source address." (Lakshman, col. 2, lines 3-7). Lakshman further discloses "[f]ilter rules may also specify, for example, that received packets with fields specifying that a particular destination address should or should not be forwarded through specific output links, or that some other specific action should be taken before routing such received packets." In other words, the filter rules in Lakshman merely determine whether or not a packet should be denied based on the source address, or a received packet should be forwarded based on a destination address. This is not related to an admission policy related to differentiated service levels. Differentiated service levels may include service levels that are differentiated. For example, these may include expedite forwarding (EP) (Specification, page 21, lines 7-10), or best effort delivery (Specification, page 21, lines 10-11; page 15, lines 2-7). It is clear that Lakshman's filter rules, which are merely concerned about whether a packet should be received or should be forwarded, are not related to the admission policy related to differentiated service levels.

Second, the Examiner contends that the filtering concepts of Lakshman were clearly disclosed within the context of differentiated service levels, citing col. 1, lines 54-64 (Examiner's Answer, page 13, lines 17-19). However, while col.1, lines 54-64 of Lakshman discusses the general concept of differentiated service levels, Lakshman explicitly discloses that "[c]onsequently, in addition to the packet forwarding function,

router 245 of FIG. 2 may perform a packet filtering function. Packet filtering may be employed, for example, as "firewall protection" to prevent data or other information from being routed to certain specified destinations within the network." (Lakshman, col. 2, line 65 to col. 2, line 3). Accordingly, Lakshman merely discloses an additional aspect of using packet filtering as a firewall protection. A firewall protection prevents data being routed. It is not related to differentiated service levels.

Third, the Examiner further contends that Applicant's assertion that Lakshman's filters are not dynamically created or removed amounts to a piecemeal analysis of the reference, and Barzilai is relied upon for the teaching of this aspect of the claims. However, central to an obviousness rejection is the suggestion in the prior art references. Neither Barzilai nor Lakshman discloses or suggests dynamic creation or removal of filters.

2. Issue 2: Classifier.

In the Examiner's Answer, the Examiner contends that Barzilai is relied upon in the above rejection for a different limitation in the claims. However, in the rejection, the Examiner contends that Barzilai "teaches the improvement of statically compiled packet filter by utilizing a general **classifier** for real-time packet forwarding and packet filters .." (Examiner's Answer, page 4, lines 19-22. Emphasis added). As argued in the Appeal Brief, Applicant submits that Barzilai merely discloses a session handle, not a classifier.

3. Issue 3: Dynamically create and remove filters.

In the Examiner Answer, the Examiner contends that Barzilai clearly suggests an improvement over prior art static packet filters by using dynamically generated filters that "provide general and flexible classification of incoming packets" (Examiner's Answer, page 14, lines 16-19). However, as argued in the Appeal Brief, dynamic code generation is not the same as dynamically created and removed filters.

4. Issue 4: Gai's prescribed policy or service.

The Examiner contends that the claimed filters can be reasonably understood as a set of rules applied to a flow of traffic (Examiner's Answer, page 15, lines 8-9). However, the Examiner failed to respond to other aspects of the claimed language as presented in the Appeal Brief (Appeal Brief, page 10, lines 29-32, page 10, lines 1-4). For example, a prescribed policy or service treatments cannot be dynamically created or removed.

5. Official Notice:

In the Examiner's Answer, the Examiner provides U.S Patent No. 6,253,321 issued to Nikander et al ("Nikander") as documentary evidence in support of the Official Notice. However, Applicant submits that Nikander does not provide support for the Official Notice. Nikander merely discloses the cell 406 including expiration time and data transfer limit of the security association (Nikander, col. 7, lines 11-13). The expiration time has nothing to do with removing a filter based on time-of-day. The security association is not a filter.

CONCLUSION

Applicant respectfully requests that the Board enter a decision overturning the Examiner's rejection of all pending claims, and holding that the claims satisfy the requirements of 35 U.S.C. §103.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 10, 2008

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